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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,727	07/03/2003	Thomas C. McCoy	20326.002US	7280

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,727

Applicant(s)

MCCOY, THOMAS C.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 43-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 43-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 43-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of Zorn.

Miller et al. disclose a method for the creation of informational materials comprising the steps of: a. providing for the digital input of data regarding selected specifics related to an item-and/or an-event (see fig. 71) ,b. providing for a digital template for organizing the data regarding specifics (see Fig. 2), entering the data regarding specifics into a digital computational and storage device (see col. 36 lines 19-33 for data entered into computer system e.g. digital form; d. organizing the data regarding specifics into the digital template (see fig 2), and e. providing for the creation of the informational materials based on the data regarding specifics organized into the digital template (see Fig 4 for table which has been reduced to numeric codes which becomes an electronic version providing for the digital input of data regarding selected specifics wherein the informational materials comprises an electronic version of the data regarding specifics combined with the digital template).

However, Miler et al. do not appear to disclose using the digital template to generate a printed promotional advertisement, e.g. flyer. Zorn does however disclose

using a template to generate a printed advertisement by entering selected specifics into a digital template and organizing same according to the preformatted template layout. It would be obvious to modify the method of Miller et al. to include the printable form output of the template as an advertisement flyer, the motivation being the ease of formatting the printed matter relative to the otherwise raw database information. Whether the flyer is directed to a food and wine market or a real estate market and or event thereof is not deemed to be a patentable distinction given that no step in the claim is directed exclusively necessarily to a real estate promotion.

RE claims 2, 5, 44 and 49: the informational materials in Miller et al. comprises a plurality of discrete sections as set forth by segments entitled INDUSTRM and LOCATION which is read as a section devoted to information regarding a tangible item or event (industry is an event in an economy) and at least a second of which is devoted to information regarding an organizational entity (location is an organizational attribute). Likewise the flyer of Zorn also has disc116, 144,103,118 all directed to attributes of the product sold. It would be obvious and motivated for/by the reasons set forth above to use such sectioning in Miller et al.

Re claim 8: see (see Miller et al. col. 36 lines, 19-33 for data entered into computer system e.g. digital form).

RE claims 9, 10, 11/45,46,47/50-52: the table of Fig 2 is network based and viewable thereon, as is the data transferred, also, the flyer in Zorn is electronically viewable and the reasons set forth above for combining Zorn are herein restated. The reasons set forth above for modifying Miller et al. are repeated herein.

Re claims 3,4,6 and 7: Official Notice is taken with respect to data collection in the fields of real property and the organizational entity, services in the real estate sales and leasing field including sales or easing of real property and chattels; and organizational entities providing services in the real estate sales and leasing fields because such data collection is known to property management companies.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

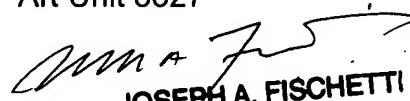
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

Joseph A. Fischetti
Primary Examiner
Art Unit 3627



JOSEPH A. FISCHETTI
PRIMARY EXAMINER